

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

4121-171

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/502442

INTERNATIONAL APPLICATION NO.

PCT/EP03/00609

INTERNATIONAL FILING DATE

22 January 2003

PRIORITY DATE CLAIMED

22 January 2002

TITLE OF INVENTION

**DIAGNOSTIC CONJUGATE USEFUL FOR INTRACELLULAR IMAGING AND FOR
DIFFERENTIATING BETWEEN TUMOR - AND NON-TUMOR CELLS**

APPLICANT(S) FOR DO/EO/US

BRAUN, Klaus; DEBUS, Jürgen; JENNE, Jürgen; HECKL, Stefan; PIPKORN, Rüdiger; RASTERT, Ralf;
WALDECK, Waldemar; BRAUN, Isabell

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).*(Unsigned)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☒ Small entity status is claimed.
16. ☐ Other items or information:

17. ☒ The following fees are submitted:
- Basic National Fee (37 CFR 1.401(1)-(5)):**
- Search Report has been prepared by the EPO or JPO..... \$920.00
- International preliminary examination fee paid to USPTO (37 CFR 1.482)..... \$730.00
- No International preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))..... \$770.00
- Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$1080.00
- International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 920.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate		
Total Claims	19 - 20 =		X \$18.00	\$ 0	
Independent Claims	1 - 3 =		X \$86.00	\$ 0	
Multiple dependent claim(s) (if applicable)			+ \$290.00	\$	

TOTAL OF ABOVE CALCULATIONS = 920.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL = \$ 460.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

+

TOTAL NATIONAL FEE = \$ 460.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

+

TOTAL FEE ENCLOSED = \$ 460.00

Amount to be:
refunded

\$

Charged


\$

- a. ☒ A check in the amount of \$460.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3284. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not yet been met, a petition to revive (37 CFR 1.127(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Steven J. Hultquist
Intellectual Property/Technology Law
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Research Triangle Park, NC 27709


Marianne Fuierer
Registration No. 39,983

10/502442

1 DT03 Rec'd PCT/PTO 22 JUL 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant(s): Braun, et al

Application No.: New U.S. National Stage Application
of PCT International Application No.
PCT/EP03/00609

Int'l Filing Date: 22 January 2003

Priority Date: 22 January 2002(European Patent
Application No. 02001506.1)Title: DIAGNOSTIC CONJUGATE
USEFUL FOR INTRACELLULAR
IMAGING AND FOR
DIFFERENTIATING BETWEEN
TUMOR - AND NON-TUMOR
CELLS

Docket No.: 4121-171

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Customer No.:

23448

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the
Commissioner for Patents on the date specified, in an envelope addressed to
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and
Express Mailed under the provisions of 37 CFR 1.10.


L. Stephen LockettJuly 22, 2004
DateEO 002 292 244 US
Express Mail Label Number

**SUBMISSION UNDER 35 U.S.C. §371 OF UNITED STATES PATENT APPLICATION
(NATIONAL PHASE PROCEEDINGS) BASED ON INTERNATIONAL APPLICATION NO.
PCT/EP03/00609 AND CLAIMING PRIORITY OF EUROPEAN PATENT APPLICATION NO.
02001506.1**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing under the provisions of 37 CFR §1.53 and 35 U.S.C. §371 is the above-referenced patent application, based on International Patent Application No. PCT/EP03/00609 and claiming priority of European Patent Application No. 02001506.1. A copy of the PCT International application and related documents as originally filed are also included. Further included is a Preliminary Amendment, unsigned Declaration and Power of Attorney, return postcard, a check in the amount of \$460.00, and 35 U.S.C. §371 transmittal forms.

Please direct correspondence relating to this application to Steven J. Hultquist, Intellectual Property Technology Law, P.O. Box 14329, Research Triangle Park, NC 27709, and direct telephonic communications relating to this application to Marianne Fuierer at (919) 419-9350.

Respectfully submitted,



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